

XAVIER BECERRA, SBN 118517  
Attorney General of California  
MARGARITA PADILLA, SBN 99966  
Supervising Deputy Attorney General  
JAMES POTTER, SBN 166992  
Deputy Attorney General  
1515 Clay Street, 20th Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 879-0815  
Fax: (510) 622-2270  
Margarita.Padilla@doj.ca.gov  
James.Potter@doj.ca.gov

XAVIER BECERRA, SBN 118517  
Attorney General of California  
DANETTE VALDEZ, SBN 141780  
ANNADEL ALMENDRAS, SBN  
192064  
Supervising Deputy Attorneys General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 510-3367  
Fax: (415) 703-5480  
Danette.Valdez@doj.ca.gov  
Annadel.Almendras@doj.ca.gov

STEVEN H. FELDERSTEIN, SBN 059678  
PAUL J. PASCUZZI, SBN 148810  
FELDERSTEIN FITZGERALD  
WILLOUGHBY PASCUZZI & RIOS LLP  
500 Capitol Mall, Suite 2250  
Sacramento, CA 95814  
Telephone: (916) 329-7400  
Fax: (916) 329-7435  
sfelderstein@ffwplaw.com  
ppascuzzi@ffwplaw.com

Attorneys for California Department of Forestry  
and Fire Protection, et al.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION

- and -

PACIFIC GAS AND ELECTRIC  
COMPANY,

Debtors.

- ☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and  
Electric Company  
☒ Affects both Debtors

Bankruptcy Case  
No. 19-30088 (DM)

Chapter 11

(Lead Case)

(Jointly Administered)

Date: March 10, 2020  
Time: 10:00 a.m.  
Ctm: 17  
Judge: Dennis Montali

**CALIFORNIA STATE AGENCIES' RESERVATION OF RIGHTS ON APPLICATION  
OF THE OFFICIAL COMMITTEE OF TORT CLAIMANTS PURSUANT TO  
11 U.S.C. § 1103 AND FED. R. BANKR. P. 2014 AND 5002 TO RETAIN AND  
EMPLOY CATHY YANNI AS CLAIMS ADMINISTRATOR *NUNC PRO TUNC*  
TO JANUARY 13, 2020 THROUGH THE EFFECTIVE DATE OF THE  
RESOLUTION TRUST AGREEMENT [DOCKET NO. 5723]**

1 The California Department of Forestry and Fire Protection, California Department of  
2 Toxic Substances Control, California Governor's Office of Emergency Services, California  
3 Department of Veterans Affairs, California State University, Chico, California Department of  
4 Parks and Recreation, California Department of Transportation, and California Department of  
5 Developmental Services (collectively, the "California State Agencies") hereby file their  
6 reservation of rights on the *Application of the Official Committee of Tort Claimants Pursuant to*  
7 *11 U.S.C. § 1103 and Fed. R. Bankr. P. 2014 and 5002 to Retain and Employ Cathy Yanni as*  
8 *Claims Administrator Nunc Pro Tunc to January 13, 2020 through the Effective Date of the*  
9 *Resolution Trust Agreement* (the "Motion") [Docket No. 5723] based on the following:

10 1. As the Court is aware, the California State Agencies collectively hold substantial  
11 prepetition claims related to the wildfires caused by Pacific Gas and Electric Company.

12 2. The proposed Debtors' and Shareholder Proponents' Joint Chapter 11 Plan of  
13 Reorganization Dated January 31, 2020 (the "Plan") [Docket No. 5590] provides that the fire-  
14 related claims of the California State Agencies are to be paid from the Fire Victim Trust.<sup>1</sup>

15 3. By order dated December 19, 2019, the Court approved the Tort Claimants  
16 Committee ("TCC") entering into a restructuring support agreement with the Debtors and other  
17 parties ("TCC RSA"). Docket No. 5174. The California State Agencies are not signatories to the  
18 TCC RSA, did not agree to compromise their fire-related claims against these solvent debtors,  
19 were not involved in the negotiations of the TCC RSA, were not represented by any fiduciary in  
20 such negotiations like the fire survivors were by the TCC, and have maintained that their fire-  
21 related claims are incorrectly classified and should not be in the Fire Victim Trust.

22 4. The Court's Amended Order Establishing Schedule for Disclosure Statement  
23 Approval and Plan Confirmation [Docket No. 5732] set a March 3, 2020 deadline for filing, in  
24 "substantially final" form, each of the Fire Victim Trust Agreement and the Fire Victims Claims  
25 Resolution Procedures. March 3, 2020 is the same day that objections to the Motion are due.  
26 Further, the Fire Victim Claim Plan Treatment Summary for the proposed Disclosure Statement is  
27

28 <sup>1</sup> Capitalized terms not otherwise defined shall have the same meaning as in the Plan.

1 due to be filed on February 28, 2020, a mere two court days prior to the due date for objections to  
2 the Motion.

3 5. The California State Agencies reserve all rights, particularly with respect to all  
4 issues regarding the governance, administration and procedures for the Fire Victim Trust, and  
5 with respect to confirmation of the Plan. The primary concerns of the California State Agencies  
6 with respect to the Fire Victim Trust are transparency, fair treatment and representative  
7 governance should their claims be paid from the Fire Victim Trust.

8 6. The California State Agencies strenuously object to the proposed classification and  
9 treatment of their fire-related claims that are to be part of the Fire Victim Trust under the Debtors'  
10 currently proposed Plan of Reorganization. The issue of whether the California State Agencies'  
11 claims are properly classified will be briefed separately.<sup>2</sup>

12 7. Neither this statement nor any subsequent appearance, pleading, proof of claim,  
13 claim or suit is intended or shall be deemed or construed as:

14 a. consent by the California State Agencies to the jurisdiction of this Court or  
15 any other court with respect to proceedings, if any, commenced in any case against or otherwise  
16 involving the California State Agencies;

17 b. waiver of any right of the California State Agencies to (i) have an  
18 Article III judge adjudicate in the first instance any case, proceeding, matter or controversy as to  
19 which a Bankruptcy Judge may not enter a final order or judgment consistent with Article III of  
20 the United States Constitution, (ii) have final orders in non-core matters entered only after de  
21 novo review by a District Court Judge, (iii) trial by jury in any proceeding so triable in the  
22 Chapter 11 Cases or in any case, controversy, or proceeding related to the Chapter 11 Cases,  
23 (iv) have the United States District Court withdraw the reference in any matter subject to

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24  
25 <sup>2</sup> The California State Agencies have no desire to see the payments to the fire victims represented  
26 by the TCC decreased or diluted by government fire-related claims and have repeatedly requested  
27 they be removed from the creditors channeled to the Fire Victim Trust. The California State  
28 Agencies assert their fire-related claims should be with the general unsecured creditor class,  
where their other fire claims are scheduled and are to be paid in full. The Debtors' and  
Shareholders' Plan allows equity to retain its interests, meaning it violates a fundamental  
principle of bankruptcy law that all creditors must be paid in full before equity retains its  
interests, unless such creditors agree to take less as a properly classified class.

1 mandatory or discretionary withdrawal, or (v) any and all rights, claims, actions, defenses, setoffs,  
2 recoupments or remedies to which the California State Agencies are or may be entitled under  
3 agreements, in law or in equity, all of which rights, claims, actions, defenses, setoffs and  
4 recoupments are expressly reserved hereby; or

5 c. waiver of any objections or defenses that the State of California, the  
6 California State Agencies or any other agency, unit or entity of the State of California may have  
7 to this Court's jurisdiction over the State of California, the California State Agencies or such  
8 other agency, unit or entity based upon the Eleventh Amendment to the United States  
9 Constitution or related principles of sovereign immunity or otherwise, all of which objections and  
10 defenses are hereby reserved.

11 Dated: March 3, 2020

Respectfully submitted,

12 XAVIER BECERRA  
13 Attorney General of California  
14 MARGARITA PADILLA  
Supervising Deputy Attorney General

15 By: /s/ Paul J. Pascuzzi  
16 STEVEN H. FELDERSTEIN  
17 PAUL J. PASCUZZI  
18 FELDERSTEIN FITZGERALD  
19 WILLOUGHBY PASCUZZI & RIOS LLP  
20 Attorneys for California Department of Forestry and  
21 Fire Protection, California Department of Toxic  
22 Substances Control, California Governor's Office of  
23 Emergency Services, California Department of Veterans  
24 Affairs, California State University, California  
25 Department of Parks and Recreation, California  
26 Department of Transportation and California  
27 Department of Developmental Services  
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I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 500 Capitol Mall, Suite 2250, Sacramento, CA 95814. On March 3, 2020, I served the within documents:

By Electronic Service only via CM/ECF.

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